REMARKS

I.   Status of the Application

Claims 15, 19, 36 - 38, and 51 - 73 are currently pending. Claims 15 and 35 are amended. Claims 1 - 4, 6 - 14, 20 - 35, and 39 - 50 are cancelled without prejudice. Claims 51 - 73 are new.

II.   Amendments to the Specification

The Summary of the Invention has been amended on page 5 to provide a description of the currently pending claims, in accordance with MPEP § 1302.01. The amendment is based on page 13, lines 11 - 19 of the specification, original pending claim 15, pending claim 36, and cancelled claim 42, for example.

The Description has been amended on page 13, line 16 to delete an extraneous word ("a"). Line 16 has also been amended to add "prices," before "personalized," to conform to the claim language.

The Description has also been amended on page 13, to add a new paragraph describing details of an example of a method of an embodiment of the invention, based on original claim 15, to provide support in the Description for the claim language, in accordance with MPEP § 608.01(o).

The Abstract of the Invention has been replaced to reflect the currently pending claims, in accordance with MPEP § 608.01(b).

No new matter has been added.

III.   Amendments to the Claims

Independent claims 15 and 36 have been amended to add "determining, via a processor, which of the first and second bidders exceeds their respective first and second prices by a greater amount . . .". As described on page 13, lines 7 - 9 of the application, a tier-priced commodity

transaction server 76 (which comprises a processor, as is known in the art), may make this determination. Claim 15 has also been amended to change "a commodity" in step b. to "said commodity." A commodity is already recited in paragraph a. The second "associated" in paragraph a. has been changed to "related to" to improve the readability of the claim. Superfluous words have also been deleted.

Claim 36 has also been amended to delete "and a second bidder" in paragraph a. of the claim, which is redundant. Other superfluous words have been deleted, as well. The second "associated" in paragraph a. has been changed to "related to" to improve the readability of the claim.

Entry of these amendments is respectfully requested.

IV.   The Claim Rejections — 35 USC § 101

Claims 15, 19, and 36 - 38 have been rejected under 35 USC § 101 because the claimed invention is allegedly directed to non-statutory subject matter. While the applicant does not agree with the basis for the rejection for the reasons described in the Amendment filed on December 29, 2003 and the Amendment filed on December 26, 2000, and it is again noted that no citation to the MPEP or case law has been provided, to advance the prosecution of the application, claims 15 and 36 have been amended to recite "determining, via a processor, which of the first and second bidders exceeds their respective first and second prices by a greater amount . . .".

The Examiner stated in the Office Action mailed March 24, 2004, that "amending independent claims 15 and 36 to expressly recite that the determination of whether said first bidder exceeds said first price by a greater amount than said second bidder exceeds said second price . . . is performed by a computer or processor should overcome the rejection under 35

U.S.C. § 101." (Office Action, page 4). The claims have been amended to address the rejections in the manner suggested by the Examiner.

Withdrawal of the rejection and allowance of the claims are respectfully requested.

V.   The Claim Rejections — 35 USC § 112

Claims 15 and 19 have been rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Claim 15 has been amended as the Examiner suggested, to address the rejection. This amendment corrects a typographical error and does not narrow the claim. The Examiner noted that an amendment overcoming the rejection under 35 U.S.C. § 101, discussed above, and the rejection under 35 U.S.C. § 112, second paragraph, would put claims 15, 19, and 36 - 38 in condition for allowance.

Withdrawal of the rejection and allowance of the claims are respectively requested.

VI.   Statement of Reasons for Allowance

In the Examiner's Statement of Reasons for Allowance, the Examiner states that "Oren fails to disclose or suggest the provision of its bundled power with insurance through means of an auction, as recited in the claimed invention." It is respectfully submitted that Oren does not provide a bundled product.

VII.   The New Claims

New claims 51 - 53, which are directly or indirectly dependent on claim 36, and new claims 54 - 56, which are directly or indirectly dependent on claim 15, are based on cancelled claims 45, 10, and 11, for example.

New independent claim 57 is a method claim based on claim 36, wherein additional steps are performed by a processor, as described on page 13, lines 11 - 19 of the specification. Additional support for the steps conducted by the processor may also be found on page 10, lines

17 - 19, page 11, lines 7 - 21 and Fig. 4, page 12, line 6 - page 13, line 10, and Fig. 5a, for example.

In addition, in claim 57, a plurality of bidders is referred to instead of first and second bidders. New dependent claim 58 recites selling the respective bundled product via the processor, over the network, as described above. (See for example, Step 40, Fig. 4 and page 11, lines 7 - 9.) New dependent claim 59 recites determining the prices based, at least in part, on a price for the commodity for sale to each bidder with the at least one risk and a value for the insurance instrument to indemnify each respective bidder, as described in the original claims and on page 13, lines 13 - 16 of the specification. New dependent claim 60 is based on original claim 11. New dependent claim 61 recites providing the respective prices to processors via a network, as described in original claim 9 and on page 13, lines 13 - 16 of the application. New dependent claim 62, which is dependent on claim 61, recites receiving bids by the processor, from the respective second processors, via the network. New dependent claim 63 is based on claim 45. New dependent claim 64 is based on original claim 10.

New independent claim 65 is a system claim based in part on claim 36, in means plus function format. New independent claim 66 defines a system to manage the sale of a tier-priced commodity comprising memory storing data related to prices for respective bundled products comprising a commodity and a respective insurance instrument, as above. The tier-priced commodity transaction server 76, described on page 13, lines 11 - 19, is said to present starting bids for the bundled products, which are necessarily stored in memory. A processor is programmed to provide each bidder a respective price and determine which bid exceeds a respective price by a greater amount, as described on page 13, lines 14 - 19 and original claim 15, for example. New dependent claims 68 - 72 are similar to other dependent claims.

New independent claim 73 is a system claim similar to claim 66, wherein the processor is programmed to conduct additional steps. Support for this claim may be found in the support for claims 66 - 73.
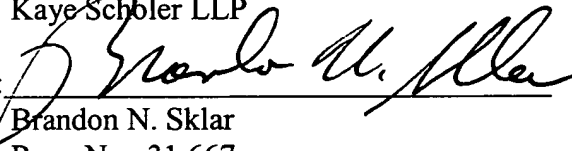
Entry and consideration of the new claims are respectfully requested.

VIII. Conclusion

Allowance of the application in light of these Amendments and Remarks, is respectfully requested. If the Examiner has any outstanding issues, please contact the undersigned attorney.

Respectfully submitted,
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